

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Testimony indicated that the subject property, known as 1811 and 1813 Clearwood Avenue, consists of two lots totalling .890 acres zoned R.R. 5.5. Mr. Bowen testified he purchased Lots 77 and 78 approximately 30 years ago and that at that time, they were two separately described parcels of land. Petitioner has resided in the existing house on Lot 78 for the past 30 years. Mr. Bowen is desirous of transferring Lot 77 to his son to build a house which will comply with all front, rear and side yard setbacks. The existing dwelling on Lot 78 however will have a 3-foot side yard setback on the side adjoining Lot 77. Therefore, the requested variance is required. Testimony presented indicated that the granting of the variance requested would not result in any detriment to the health, safety and general welfare of the community. Further, Petitioner contends a denial of the variance would result in practical difficulty and unreasonable

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

2) Within forty-five (45) days of the date of this Order, Petitioner shall have prepared appropriate documentation for filing in the land records of Ealtimore County verification that present and future property owners of Lots 77 and 78 will not request any additional variances other than those granted herein.

AMN:bjs

ORDER RECEIVED FOR FILING
Date 07/3/89
By Ruth Q. Schubert

ENTRY OF APPEARANCE

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 304, County Office Building
Towson, Maryland 21204
887-2188

Peter Max Zimmerman
Peter Max Zimmerman

ZONING DESCRIPTION OF LOT 77

Beginning on the south side of Clearwood Avenue 300 feet east of the east side of Oakleigh Road and thence running on the south side of Clearwood Avenue 50 feet by a depth of 385 feet. Being Lot 77 in the Subdivision of Hillendale Farms Plat Book No. 8 folios 92, 93. Also known as 1811 Clearwood Avenue in the 9th Election District.

ZONING DESCRIPTION OF LOT 78

Beginning on the south side of Clearwood Avenue 350 feet east of the east side of Oakleigh Road and thence running on the south side of Clearwood Avenue 50 feet by a depth of 385 feet. Being Lot 78 in the Subdivision of Hillendale Farms Plat Book No. 8 folios 92, 93. Also known as 1813 Clearwood Avenue in the 9th Election District.

District 9th Date of Posting 1/5/89
 Posted for Varinco
 Positioner: Charles H. Bowler
 Location of property 3 1/2 Clearwood Hwy., 370' E/Cotleigh Rd.
1st & 1st Clearwood Hwy.
 Location of Sign: (2) Clearwood Hwy., corners 15' E.
roadway ex. property of P. S. Warner
 Remarks:
 Posted by M. H. H. H. Date of return 1/9/89
 Number of Signs: 2

CERTIFICATE OF PUBLICATION

TOWSON, MD., January 5, 1989

THIS IS TO CERTIFY, that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Jan 5, 1989.

THE JEFFERSONIAN
TOWSON TIMES.

S. Zehe *Orlman*

Publisher

PO 07854
reg M 25143
case 89-279-A
price \$95.29

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, hereby gives notice of a public hearing on the property of the applicant, to be held at the County Office Building, located at 200 North Howard Avenue in Towson, Maryland 21204 at 10:00 a.m. as follows:

Case for Zoning Variance
Case Number: 80-279-A
S/S Cleveford Avenue, 370' of S/S North Howard Avenue
10111 - 10133 Cleveford Avenue
Baltimore, Maryland
Baltimore Electric District
44-10-01
Petitioner(s):
John C. Brown
Hearing Date: Wednesday,
Jan. 25, 1989 at 10:00 a.m.

NOTICE: To permit a variance of 50' of the side yard setback of 3 feet less in the rear of 250' of S/S North Howard Avenue, in the event that the Petitioner is unable to obtain the required variance by the time the thirty (30) day period for the hearing expires, the Zoning Commissioner will, however, entertain any request for a variance of 50' of the side yard setback during this period for said period shown.

Any person who wishes to be heard and received in the office of the Zoning Commissioner should appear and presented at the hearing.

J. ROBERT HARRIS
Zoning Commissioner
Baltimore County

20-10-89

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3553
J. Robert Haines
Zoning Commissioner

December 15, 1988

NOTICE OF HEARING

Dennis F. Rasmussen
County Executive

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER: 89-279-A
S/S Clearwood Avenue, 370' E c/l Oakleigh Road
1811 - 1813 Clearwood Avenue
9th Election District - 4th Councilmanic
Petitioner(s): Chester A. Bowen
HEARING SCHEDULED: WEDNESDAY, JANUARY 25, 1989 at 9:00 a.m.

WARRANT: to permit a lot width of 50 feet and a side yard setback of 3 feet in lieu of the required 55 feet and 10 feet, respectively.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: Mr. Chester A. Bowen
Dorothy T. Jackson, Esq.
File

Baltimore County
Fire Department
Towson, Maryland 21204-2566
494-4500
Paul H. Reincke
Chief

December 29, 1988

J. Robert Haines, Zoning Commissioner
Office of Planning & Zoning
Baltimore County Office Building
Towson, Maryland 21204

Re: Property Owner: Chester A. Bowen

Location: S/S Clearwood Avenue, 370' E c/l of Oakleigh Road

Item No.: 178

Zoning Agenda: Meeting of 11/9/88

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

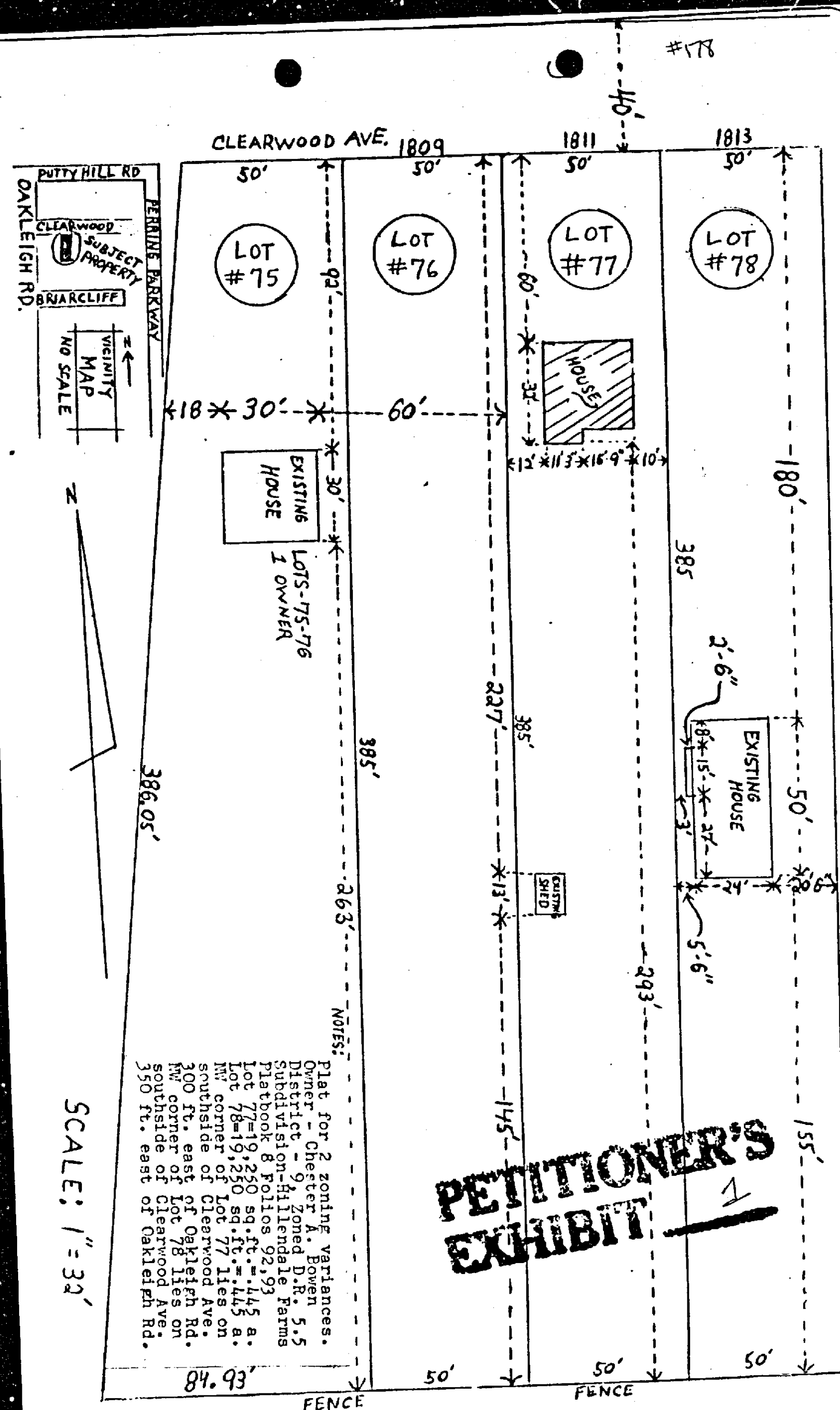
- () 1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- () 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Paul H. Reincke*
Planning Group
Special Inspection Division

NOTED &
APPROVED:

James E. Dyer
Fire Prevention Bureau

/s/



BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

January 17, 1989

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

Dorothy T. Jackson, Esquire
8309 Harford Road
Baltimore, Maryland 21234

RE: Item No. 178, Case No. 89-279-A
Petitioner: Chester A. Bowen
Petition for Zoning Variance

Dear Ms. Jackson:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development. Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:dt

Enclosures

89-279-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
10th day of November, 1988.

Petitioner: Chester A. Bowen
Petitioner's Attorney: Dorothy T. Jackson

Received by: James E. Dyer
Chairman, Zoning Plans Advisory Committee

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
(301) 887-3554

November 25, 1988

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

ZAC - Meeting of November 9, 1988
Item Nos. 172, 175, 176, 177, 178, 179, 180, 181, and 182.

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for item numbers 172, 175, 176, 177, 178, 179, 180, 181, and 182.

Michael S. Fleishman
Michael S. Fleishman
Traffic Engineer Associate II

MSF/lvw

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3553
J. Robert Haines
Zoning Commissioner

February 2, 1989

Dorothy T. Jackson, Esquire
8309 Harford Road
Baltimore, Maryland 21234

RE: PETITION FOR ZONING VARIANCE
S/S Clearwood Avenue, 370' E of the c/l of Oakleigh Road
(1811 - 1813 Clearwood Avenue)
9th Election District - 4th Councilmanic District
Chester A. Bowen - petitioner
Case No. 89-279-A

Dear Ms. Jackson:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact M. Charlotte Radcliffe at 494-3391.

Very truly yours,

Ann M. Mastarowicz
ANN M. MASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjb

cc: People's Counsel

File

DOROTHY T. JACKSON
ATTORNEY AT LAW
PHONE 645-7636

March 13, 1989

Baltimore County Office of
Planning & Zoning
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
Attn: Ann M. Mastarowicz
Deputy Zoning Commissioner

Re: 89-279-A

ZONING OFFICE

Dear Ms. Mastarowicz:

In accordance with our recent phone conversation, I am sending you the language which I intend to put in the deed from Chester A. Bowen to his son, Martin Joseph Bowen, as follows:

"The Grantor, Chester A. Bowen, and the Grantees, Martin Joseph Bowen and Susan Lee Bowen, his wife, do hereby covenant and agree that neither they nor any of them, nor any of their heirs, personal representatives and assigns will request any zoning variances for either Lot 77, the subject property, or Lot 78, the Grantor's residence property, on the Plat of Hillendale Farms."

If this language is proper, it will be placed after the "Being" clause following the description.

Awaiting your reply, I am,

Very truly yours,

Dorothy T. Jackson
Dorothy T. Jackson

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Chester A. Bowen
Martin J. Bowen

1813 Clearwood Rd.
1813 Clearwood Rd.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

J. Robert Haines
TO: Zoning Commissioner

Date: January 20, 1989

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Zoning Petition Nos. 89-277-A (Ruth); 89-278-A (Curran);
and 89-279-A (Bowen)

The applicant in each of these cases is requesting consideration to establish lot sizes of 50 feet in width rather than 55 feet and variances to respective side yards where required. In reference to these requests, staff provides the following information.

In instances such as these, staff's primary concerns are:

1. What is the impact on adjoining property?, and;
2. Are adequate front, side, and rear yard setbacks being provided on the sites?, and;
3. Will the reduced lot sizes result in requests for additional variances when subsequent lot owners try to build unsuitable homes on the lots or expand homes into required areas?

Based upon the information provided and analysis conducted, staff recommends that if any of the requests are granted, the following conditions be attached.

- All building setback lines (front, side, rear) shall be shown on the site plan and recorded by the applicant on the deed of record. Furthermore, a statement shall be attached to the site plan which clearly states that all development shall conform to the setbacks as shown and additional variances shall not be granted for setbacks on the subject property.

- Any applications for building permits shall include a copy of the site plan and the Commissioner's "Findings of Fact and Conclusions of Law," provided by the applicant.

PK/ef

RECEIVED
JAN 23 1989

ZONING OFFICE